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Hon. Fred Van Sickle

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IN THE UNITED STATES DISTRICT COURT
 FOR THE EASTERN DISTRICT OF WASHINGTON
 AT RICHLAND

James S. Gordon, Jr.,

Case No.: CV-04-5125-FVS

Plaintiff,

v.

Impulse Marketing Group, Inc.,
 Jeffrey Goldstein, Phillip Huston,
 and Kenneth Adamson,

Defendants.

[PROPOSED] ORDER DISMISSING
 FIRST AMENDED COMPLAINT
 UNDER FED. R. CIV. P. 12(b)(1), (2)
 & (6) OR, IN THE ALTERNATIVE
 FOR A MORE DEFINITE
 STATEMENT UNDER FED. R. CIV.
 P. 12(e)

Impulse Marketing Group, Inc.,

Third-Party Plaintiff,

v.

Bonnie F. Gordon, Jamila Gordon,
 James Gordon, III, and Jonathan
 Gordon,

Third-Party Defendants.

THIS MATTER comes before the Court on the Motion to Dismiss the First
 Amended Complaint Under Fed. R. Civ. 12(b)(1), (2) and (6) or, in the Alternative, for

PROPOSED ORDER, DEFENDANT HUSTON'S MOTION
 TO DISMISS OR, IN THE ALTERNATIVE, FOR A MORE
 DEFINITE STATEMENT - 1
 00082064;1

KLEIN, ZELMAN, ROTHERMEL & DICHTER, L.L.P.
 485 MADISON AVENUE, 15TH FLOOR
 NEW YORK, NEW YORK 10022
 (212) 935-6020

1 a More Definite Statement Under Fed. R. Civ. P. 12(e) filed by Defendant Phillip
2 Huston ("Huston"), the Court hereby finds as follows:

3 1. The Plaintiff failed to comply with this Court's order denying his request
4 to add new plaintiffs to the action.

5 2. The Plaintiff lacks standing to assert any causes of action on behalf of
6 unregistered d/b/a Gordonworks.com.

7 3. The Plaintiff, an individual, lacks standing to assert the matters
8 complained of in his First Cause of Action.

9 4.. The Plaintiff, an individual, is neither an "interactive computer service" as
10 defined in RCW § 19.190, *et seq.*, nor an "internet access service" as defined in 15
11 U.S.C. § 7701, *et seq.*, and therefore lacks standing as an interactive computer service or
12 internet access service to assert the matters complained of in his First and Second
13 Causes of Action.

14 5. After due deliberation, this Court has determined that it lacks jurisdiction
15 over the person of Phillip Huston.

16 6. After due deliberation, this Court has determined that the First Amended
17 Complaint fails to state a claim on which relief may be granted.

18 WHEREFORE, it is hereby ORDERED that:

19 a. The motion to dismiss is GRANTED.

20 b. The clerk will enter a judgment dismissing this action with prejudice and
21 awarding Defendant his costs.

22 DATED this ____ day of _____, 2007.

23
24 Hon. Fred Van Sickle
25 United States District Court Judge
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